

# REPORT OF THE AD HOC GOVERNANCE TASK FORCE

January 20, 1998

## INTRODUCTION

In the late fall of 1996, Alderperson Carol Lombardi, after a discussion of the structure of the City of Waukesha governance in the future, asked the Common Council to refer the matter to the Council's Legislative and Operations Committee. That committee accepted the assignment and recommended that the Mayor appoint an Ad Hoc Task Force to study the matter in detail. In January of 1997, Mayor Carol Opel appointed a seven person Ad Hoc Task Force to:

- Study possible forms of city governance in Wisconsin.
- Articulate the pros and cons of each alternative.
- Consider elected versus appointed department head positions.
- Present recommendations for change and suggestions for implementing these changes.

Mayor Opel appointed the following individuals to serve on the Ad Hoc Task Force.

Thomas W. Constable, Vice President of Human Resources at  
Waukesha Hospital System, Inc.

John P. DuPont, Chair, Chief Product Engineer at Cooper Power Systems and currently a member of the Common Council

Jean Graf, Executive Director of the Waukesha Area Chamber of Commerce.

Joseph Hoelkinger, an electrical manager at Quad Graphics and currently a member of the Common Council.

Lelan McLemore, Chair of the Department of Politics and International Relations at Carroll College.

David M. Stearns, President/Owner of Stearns Lighting Sales, Inc, former Chairman of the Waukesha Redevelopment Authority, and an alderperson from 1989 until 1993.

Geraldine Wuerslin, former director of Waukesha County's Victim/Witness Assistance Program and an alderperson from 1974 until 1984.

The Task Force first met on February 28, 1997. It convened 20 times and undertook the following<sup>1</sup>:

- Researched Wisconsin Regulations regarding forms of city government
- Established principles to be used by the Task Force in

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<sup>1</sup>Minutes of the Task Force's meetings can be found at the Mayor's Office in City Hall.

formulating recommendations to be considered by the Common Council regarding future governance of the City of Waukesha

- Reviewed the 1985 Peat Marwick Management and Organization Study—City of Waukesha
- Traveled to Kenosha, Wisconsin, to interview Mayor John Antaramian
- Interviewed current Mayor Carol Opel
- Interviewed former Mayors Paul Vrakas and Joseph LaPorte
- Interviewed Aldermen Timothy Nekich and Emanuele Vitale
- Interviewed Department Heads Paul Klauck, Curt Meitz, and Thomas Neill
- Received written communication from Department Head Clarence Stoel
- Interviewed Waukesha County's Director of Administration, Norman Cummings
- Researched voting patterns in the City of Waukesha
- Surveyed similar sized Wisconsin cities to examine their form of governance

The Task Force sought answers to two questions: (1) What form of city government is best for Waukesha? (2) Should some city department

heads continue to be elective offices? Our deliberations were guided by a set of political values that the Task Force believes to be essential to authentic democratic government.

1. Accountability: Citizens should know who is responsible for public policies and have regular opportunities to vote for or against those responsible.
2. Responsibility: Policies should take into account the collective public interest rather than the interests of small groups or those in authority.
3. Responsiveness: Policies should take into account citizens' concerns and preferences.
4. Expertise: Policies should be based on the best information available and implemented with the highest degree of professionalism.
5. Effectiveness: Policies should accomplish their intended goals.
6. Efficiency: Policies should be implemented with as little waste as possible.
7. Adaptability: Policies (and organizational structures) should adjust in a timely fashion to changes in the environment (demographic, economic, etc.) within which the city functions.

## **Question One: What form of City Government is Best for Waukesha?**

All cities in Wisconsin, except Milwaukee, are organized under a general state law which specifies the structure for municipal governments. The general charter (Wisconsin Statutes, Chapter 62) places all cities under the traditional Mayor-Council form of government, but authorizes (Chapter 64) cities to change their form of government to either a Manager-Council form or a Commissioner form.

The Task Force only cursorily examined the Commissioner form; it is uncommon in the United States today, and has not been used in Wisconsin since 1957. The Task Force did carefully review the Manager-Council form and the various types of Mayor-Council governments.

### **MANAGER-COUNCIL**

First used in Staunton, Virginia, in 1908, the Manager-Council form is the most popular form of municipal administration in the United States; it is used in 48% of all cities of more than 10,000 population. Somewhat surprisingly, although a product of the progressive movement of the early twentieth century this form has never been popular among Wisconsin cities and today is used in only ten cities and eight villages in the state. Wisconsin cities similar in size to Waukesha using this form of govern-

ment are Janesville, Eau Claire, and Fond du Lac.

In Wisconsin, the Manager-Council form of municipal administration can be adopted by any city or village with population over 1,000. Under this form, an elected council, usually smaller than those in Mayor-Council cities, selects a trained, professional manager "purely on merit" as defined by training, experience, and ability. This manager serves at the pleasure of the council and can be dismissed at any time.

Chapter 64, Wisconsin Statutes, provides for a clear separation of the legislative and executive powers under this form of municipal government. Policy making is in the hands of an elected council or board while administrative and executive powers are given to the manager. The manager serves as chief executive officer of the city and is charged with supervising municipal administration, implementing policies approved by the council, and preparing the budget. The manager is authorized to appoint and dismiss department heads. The manager is also usually given the authority to create and/or abolish minor administrative offices and positions. There is usually no mayor, but in some cases a member of the council may be selected to play the role for ceremonial occasions and to chair meetings of the council.

The Manager-Council form offers the advantage of bringing profes-

sional administrative leadership to cities, thereby usually providing for greater efficiency, while allowing their common councils to focus on policy making and planning. An appointed manager gives cities greater coordination, managerial accountability, and continuity than is usually found in Mayor-Council cities. Without an elected mayor, however, it lacks a separation of powers as well as recognized city-wide political leadership.

### **MAYOR-COUNCIL**

The Mayor-Council form of municipal administration is the oldest form of city government in the United States. It emerged during the 1830's and reflects the Jacksonian era's faith in popularly elected officials and government by the "common man." There can be considerable variation within the Mayor-Council form. The two basic varieties of Mayor-Council governments are commonly referred to as the Weak Mayor-Council type, currently used by the city of Waukesha, and the Strong Mayor-Council type. In addition, Mayor-Council cities can use their home rule authority to alter their structure by creating the office of City Administrator.

In the Weak Mayor-Council form, the mayor and several department heads are elected at large and aldermen are elected by districts. The

common council is usually large, and it serves as the legislative or policy making "branch" of government and, through its committees, performs general legislative oversight over the administrative departments of city government.

Mayors also perform important policy making roles in this form of government: they recommend policy changes to the common council, preside over its meetings with the power to vote in case of a tie, and are empowered to veto acts of the common council, but the common council can override. Mayors are termed "weak" not because they lack policy making powers, but because of their limited administrative authority.

Although charged with responsibility for seeing that all city officers and employees discharge their duties, they have little real authority over those department heads directly elected by the citizenry. Since they can neither hire nor fire elected department heads, mayors have limited control over them.

The only significant difference between the two types of Mayor-Council government is that in Strong Mayor-Council municipalities, the mayor is given real administrative authority. The mayor appoints all department heads, subject to confirmation by the common council, and is often authorized to dismiss department heads without the approval of the



common council.

The primary advantage of the Mayor-Council form—with either a weak or strong mayor—is that it gives voters the power to select the city's chief executive. Moreover, unlike members of the common council, mayors are elected in city-wide elections and can be expected to bring a comprehensive perspective to the tasks of policy making and administration. Finally, it gives city government a separation of powers and multiple avenues for citizens to seek redress or to participate in the political process.

The chief disadvantages of the mayor-council form reflect the "downside" of its advantages. Qualified candidates may not seek to become mayor, and persons without training or qualifications can and do get elected to the office. Indeed, the complexity of contemporary municipal government, with its demands for broad administrative skills as well as for expertise in policy implementation and for formidable political skills may today make the office of mayor an "impossible job." In addition, elections provide little guarantee of continuity in either administration or policy making; every new mayor is a new beginning.

Cities that are similar in size to Waukesha that have the Mayor-Council type of administration include Appleton, LaCrosse, Racine,

Sheboygan, and Superior.

### **MAYOR/ADMINISTRATOR-COUNCIL**

Both the state constitution and state law grant "home rule" to cities and villages. This gives cities and villages the flexibility to vary charter provisions to meet their specific needs when there is no overriding state interest. This permits municipalities to retain the Mayor-Council form while employing a professional administrator. This form of government reflects an effort to take advantage of the strengths of both the Manager-Council and Strong Mayor-Council forms while avoiding their disadvantages.

The Mayor/Administrator-Council form is a Strong Mayor-Council government with an appointed administrator to assure effective administration and managerial continuity. The administrator is typically appointed by the mayor, subject to confirmation by a majority vote of the council, and can be dismissed by the mayor and council. Among cities with this form of government there is considerable range in the functions assigned to the city administrator, but, generally, the city administrator is responsible for the day-to-day operations of city government, oversees department heads, prepares the budget, and implements ordinances or policy initiatives that require administrative action. This frees the mayor

to focus on special projects of benefit to the city, long-term and strategic planning, intergovernmental relations, and statutory duties. The mayor may be full-time or part-time, depending on the needs of the city. The common council's primary function remains policy making.

The chief advantage of this form of government is that it gives cities the benefit of both an elected mayor who can take the lead on political issues and the professional expertise of a trained and experienced administrator, and it often provides for budget savings through greater efficiency. It also provides for greater continuity and accountability in city government. The disadvantages of this form include the potential for conflict between the mayor and the City Administrator or between the City Administrator and department heads, and the costs of an additional administrative salary.

Cities that are similar in size to Waukesha that use this form of government include Green Bay, Kenosha, Wauwatosa, and West Allis.

### **RECOMMENDATION**

Waukesha has a long tradition of responsive governance through an elected mayor and common council, and the Task Force believes that this tradition should be continued.

Responsive government need not be inefficient or ineffective

government; citizens have the right, we believe, to expect their governments to make use of professional expertise in responding to their concerns. We believe that the Mayor/Administrator-Council form of municipal government would best serve the interests of Waukesha. We believe that this form of government reflects the values essential to democratic government better than any other form. It provides clear accountability for both the implementation of policy and the day-to-day operations of city government in the City Administrator's office. It leaves in place an elected mayor and council, and significantly increases their influence—and indirectly, that of the voters—over city government by permitting them to set policy standards or goals and to hold a proven professional with administrative expertise accountable for meeting these standards or goals.

We believe that the City Administrator should have no public policy making role. Public policy making always should be in the hands of a democratically elected common council and mayor. The City Administrator should report to the mayor and perform the following functions:

1. Administer day-to-day operations of city government.
2. Supervise all department heads except those responsible to boards whose duties are set by state statute.

3. Prepare the budget.
4. Administer approved budget.
5. Regularly attend common council meetings in order to answer questions on administrative matters, to provide advice when asked, and to explain on-going policy implementation efforts.

Because of the range of these functions and the professional skills they require, we believe the following qualifications appropriate for a Chief City Administrator of the City of Waukesha: The City Administrator should hold an advanced degree in public administration or closely related field, possess strong financial skills, and have broad experience in city administration including at least five years of experience as a municipal chief administrator.

The Task Force further recommends that the City Administrator serve at the ultimate pleasure of the Common Council with the advice and consent of the Mayor. A majority vote of the Common Council should be sufficient for hiring or dismissing a City Administrator. As in other actions by the Common Council, a vote of the Common Council to hire or dismiss a City Administrator should be subject to a veto by the Mayor, a veto that can be overridden by a two-thirds vote of the Common Council.

Assigning the above functions to the City Administrator will leave

the Mayor with the following substantial responsibilities:

1. Serve as the city's chief Executive
2. Serve as the chief spokesperson for the city
3. Develop the city's long-range strategic plans
4. Coordinate future municipal development and land use planning
5. Represent the city as chief lobbyist at municipal, county, state, and federal levels
6. Serve as an ombudsman for the citizenry and provides the chief day-to-day access for the citizens who want to contact their government
7. Represent the city at important ceremonial functions
8. Chair meetings of the Common Council
9. Chair the Planning Commission
10. Serve on the Board of Public Works and the Water Utility
11. Facilitate work of the Common Council

**Question Two: Should Some City Department Heads Continue to be Elective Offices?**

Waukesha City Government includes thirteen department heads. Five of these are appointed directly by the mayor with the advice and consent of the common council: Director of Information Systems, Director of

Personnel, Director of Planning, Director of Public Works, and the head of the Building Department. Four are appointed by boards or commissions with the consent of the common council: the Library Board appoints the Director of Library Services, the Parks and Recreation Committee appoints the Head of the Parks and Recreation Department, and the Police and Fire Commission appoints the Fire Chief and the Police Chief. Four are elected by voters in elections held every four years: City Assessor, City Attorney, City Comptroller, and City Clerk/Treasurer.

The question for the Task Force, then, is whether the offices of City Assessor, City Attorney, City Comptroller, and City Clerk/Treasurer should continue to be elective offices. Whatever may be the perceived benefits of elective department heads, to the best of our knowledge no one has urged the election of those department heads now appointed.

There are two advantages to elective department heads. First, they give voters the opportunity to choose those who administer government. Second, they give these department heads greater independence from other government officials.

Although at first glance these advantages may appear compelling, we believe that upon closer examination neither is convincing. The aim of elections in a democratic government is to assure a high degree of govern-

mental responsiveness to citizens' preferences and to insure that public officials remain accountable for their actions to the citizenry. The Task Force believes that the election of department heads fails to achieve either of these goals and makes government less effective and less efficient.

It is important to note that the election of these department heads is unusual in Wisconsin. Among Waukesha's sixteen referent cities—cities with comparable populations to that of Waukesha<sup>2</sup>—no city fills all four of these positions through election. Indeed, only three referent cities (Appleton, West Allis and Sheboygan) elect City Attorneys; only one (Menomonee Falls) elects Assessors; only one (LaCrosse) elects Clerk/Treasurers, although Sheboygan elects Clerks, but not Treasurers; and no referent city elects its Comptroller. It is also important to note that three of the current occupants of these elective positions told the Task Force that their offices should be appointive rather than elective; only the Comptroller stated that his position should remain elective.

An examination of elections for the four department heads over the past twenty-five years raises serious doubts about the capacity of these elections to achieve either responsiveness or accountability. The most

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<sup>2</sup>These referent cities are: Brookfield, West Allis, Green Bay, Janesville, Fond Du Lac, Racine, Appleton, Kenosha, Wauwatosa, Greenfield, Eau Claire, LaCrosse, New Berlin, Sheboygan, Oshkosh, and Menomonee Falls.



contested of these offices since 1970 has been that of City Assessor. Even here, as shown in Table 1, only six of the twelve elections during this period were contested, and, with one exception, voter turnout was quite low in contested elections. In the thirteen elections for City Comptroller since 1970, shown in Table 2, only five were contested and voter turnout in all five elections was below 25%. In the same period, as is shown in Table 3, there were only two contested races for City Attorney. And, as shown in Table 4, only one of the twelve elections for City Clerk during this period was contested, and it drew only 22.9% of the registered voters in an election won by an almost 4-1 margin.

Several observations are in order. Overall, in the forty-nine elections held in the past twenty-five years for department heads in Waukesha, only fifteen have been contested. In these fifteen contested elections, real competition for office is rare—only six times did the loser gain as much as 45% of the vote, and three of these six came in the last three Comptroller elections. Moreover, voter turnout was consistently low in these contested elections: in twelve of the fifteen contested elections, less than 30% of registered voters actually voted, and only in one did more than 50% vote. Finally, only twice in these forty-nine elections since 1970, have incumbent department heads been defeated.

We do not believe that responsive, accountable government is furthered by elections that are typically uncontested, with low voter turnout, for offices that do not make public policy and whose official responsibilities are little understood by the citizenry. Moreover, there is little evidence that those with the political skills necessary for electoral success will bring with them the technical and managerial expertise required by the offices they win.

We also believe that elective department heads reduce the effectiveness and efficiency of government. Holders of these department head positions are said to be "independent" because they do not owe their positions either to the mayor or to the common council. But this is not the independence envisioned in a "checks and balances" designed to prevent one branch of government from usurping authority. Instead, it is an independence that permits those responsible for the formulation of public policy to be thwarted by those responsible for its implementation. In short, their independence from the mayor and common council works against coordinated government and clear lines of command and responsibility. Mayors can hardly be held responsible for coordinating the work of those over whom they have little real authority, nor can the common council be held responsible for public policies if they lack controls over

the implementation of those policies.

## RECOMMENDATION

The Task Force recommends the appointment of all department heads. We believe that a government with elective departments heads fragments authority and weakens democratic processes. Citizens need to know who is responsible for policy outcomes; without this knowledge, their votes for city officeholders are robbed of meaning—whether they be for the mayor, their representative on the common council, or department heads. We believe that only those positions with public policy making roles should be elective. Despite their important role in implementing public policy, none of the elective department heads makes policy. Public policy in Waukesha is, and should be, in the hands of the mayor and common council. Meaningful elections require that citizens know who is responsible for public policy, understand the functions of the offices filled by election, and judge the qualifications of those seeking office. There is little reason to believe that citizens are cognizant of the real duties of these four department heads, know the particular expertise required to perform these duties, and have information enabling them to assess the record of incumbent officeholders. Responsiveness to the electorate could better be achieved by appointive department heads

serving at the pleasure of the mayor and common council; department heads unresponsive to the preferences of the citizenry then could be removed immediately without waiting until the next election to be held accountable for their actions. **Above all, voters should know that the Mayor and Common Council have ultimate authority over the formulation and implementation of policy in the city of Waukesha and can be held accountable through the electoral process.**

### **CONCLUSION**

In summary form, the Task Force recommends the following:

1. The city should retain the Council-Mayor form of government.
2. The office of City Administrator should be created to oversee the administration of city government.
3. The Mayor's duties should be altered to reflect the work of the City Administrator, but this office should continue in its present form.
4. The four department heads presently elected should be made appointive positions.

The Task Force believes that its recommendations, taken together, will enable the government of Waukesha to be more responsive and

accountable to the city's voters while taking advantage of professional expertise and providing for a government that costs less because it is more effective and efficient. The members of the Task Force urge that its recommended changes be brought to the voters of Waukesha by way of a referendum in September 1998.